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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,495	10/29/2001	Yosuke Kimoto	SONY JP 3.3-033 DIV	3372

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/021,495

Applicant(s)

KIMOTO, YOSUKE

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 and newly added claims 5-12 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-4, rejected under 35 U.S.C. 102(e) as being anticipated by **Terasawa et al (6,147,714)**, applicant discusses the claimed invention and the prior art to records and further argues that, "...when the power is subsequently turned on, and image from whatever program is currently being broadcast on that channel received is now displayed...Terasawa do not disclose or suggest that at a time when the power source is subsequently turned on, an image from a predetermined program is displayed as an initial image..." (see page labeled 5+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments, however, Terasawa discloses that, "...(EEPROM) 38 stores data that is preferably stored as required even after the power is turned off (for example, the history for the last

Art Unit: 2623

four weeks received by the tuner 21, the last channel number (last channel) received immediately before the power is off. Then, when the power is turned on, for example, the same channel is the last channel is received again.) If the last channel is not stored, the channel stored as a default in the ROM 37 is received..."(col.13, lines 10-40). The last channel image or the default channel image displayed upon powering up the receiver is an image from a predetermined program stored in the EEPROM or the ROM. Hence applicant's amendments of the claims do not overcome the prior art of record. The prior art of record still meets the amended claim limitations as discussed below. This office action is non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by **Terasawa et al (6,147,714)**.

As to claim 1, note the **Terasawa** reference figures 20-23, discloses control apparatus and control method for displaying electronic program guide (EPG) and further

Art Unit: 2623

discloses a receiver (IRD-2) for receiving signals and program guide information including at least start/end time information of programs, the receiver comprising:

A receiving unit (R-3) operable to receive broadcast signals and program guide information that includes at least a broadcast start time and broadcast end time information for each of a plurality of programs (figs.20-23, col.10, line 59-col.11, line 7, lines 21-37 and col.12, line 64-col.13, line 9);

Means for carrying out display processing (CPU-29) based on the received program guide information (col.12, lines 45-63);

A storage unit (EPG data storage 35 and EEPROM-38) operable to store information indicating whether contents displayed immediately before turning off a power source for the receiver is a program guide or an image of a program (col.13, lines 10-40) and

A display controller (CPU-29) operable, at a time when the power source is subsequently turned on, to display the program guide or a predetermined program image as an initial image (last channel image or default channel image) from a predetermined program as an initial image based on the stored information (col.13, lines 10-40).

As to claim 2, Terasawa further discloses where the display controller displays the program guide, a recommended program included in the program guide information, or a program associated with the same genre as that associated with the program displayed immediately before the power source is turned off, based on the stored information stored (col.13, lines 10-40 and col.18, lines 30-col.19, line 16).

As to claim 3, the claimed "In a receiver having a power source, a method comprising..." is composed of the same structure elements that were discussed with respect to the rejection of claim 1.

Claim 4 is met as previously discussed with respect to claim 2.

Claim 5 is met as previously discussed with respect to claim 1.

Claim 6 is met as previously discussed with respect to claims 1-2.

Claim 7 is met as previously discussed with respect to claims 1-2.

As to claims 8, Terasawa further discloses where when no program associated with the same genre as that associated with the program displayed immediately before the power is turned off is being broadcast at the time when the power source is turned on, the display controller displays the program guide (col.13, lines 10-40 and col.18, lines 30-col.19, line 16).

As to claims 9, Terasawa further discloses where the stored information indicates that the program guide was displayed immediately before the power source was turned off, the displaying includes displaying the program guide (col.13, lines 10-40 and col.18, lines 30-col.19, line 16).

Claim 10 is met as previously discussed with respect to claim 8.

Claims 11-12 are met as previously discussed with respect to claims 1-2.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

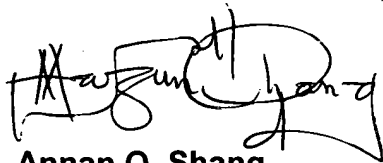
Townsend et al (2006/0195868) disclose receivers for TV signals.

Art Unit: 2623

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang